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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	CASE NO. 4:21-MJ-71091-MAG
)	
Plaintiff,)	STIPULATION AND ORDER (AS
)	MODIFIED) CONTINUING PRELIMINARY
v.)	HEARING OR ARRAIGNMENT AND
)	EXCLUDING RULE 5 AND SPEEDY TRIAL
ALIREZA MOHEB,)	TIME
KEVIN RAMIREZ,)	
)	
Defendants.)	

On July 2, 2021, the Court conducted an initial appearance for defendant Moheb, and on July 7, 2021, the Court conducted an initial appearance for defendant Ramirez, both of whom stand charged by Complaint with narcotics charges in violation of Title 21, United States Code. The matter is currently scheduled for either a preliminary hearing or arraignment on October 7, 2021. The government has recently produced an additional round of discovery which defense counsel is in the process of reviewing and discussing with their clients. The parties are hopeful that they can reach pre-indictment resolutions, but require additional time to discuss and potentially finalize any such agreements.

Therefore, the parties hereby stipulate and agree:

1. The preliminary hearing/arraignment scheduled for December, 2021, should be reset to January 7, 2022 at 1:00 p.m. before the duty magistrate judge. There is “good cause” for such a continuance. 18 U.S.C. § 3142(f)(2).
2. The time between December 1, 2021 and January 7, 2022 should be excluded under the Speedy Trial Act because failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial and in the prompt disposition of criminal cases. *See* 18 U.S.C. § 3161(h)(7)(A).
3. Taking into account the public interest in the prompt disposition of criminal cases, there is good cause to extend the time limits under Federal Rule of Criminal Procedure 5.1(c). Accordingly, the time limits for conducting a preliminary hearing are tolled from December 1, 2021 through January 7, 2022.

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1 IT IS SO STIPULATED.
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3 DATED: November 29, 2021

Respectfully submitted,

4 STEPHANIE M. HINDS
5 Acting United States Attorney

6 /s/
7 ALEXANDRA SHEPARD
8 Assistant United States Attorney

9 /s/
10 JAMES LASSART
11 Counsel for Defendant AliReza Moheb

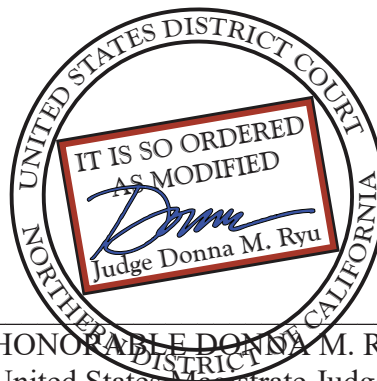
12 /s/
13 RONI ROTHOLZ
14 Counsel for Defendant Kevin Ramirez
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ORDER (AS MODIFIED)

Based upon the representation of counsel and for good cause shown, the Court continues the arraignment/preliminary hearing currently scheduled for December 1, 2021 to January 7, 2022 at **10:00 a.m.**, and finds that failing to exclude the time between December 1, 2021 through January 7, 2022 would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds that the ends of justice served by excluding the time between December 1, 2021 through January 7, 2022 from computation under the Speedy Trial Act outweigh the best interests of the public and the defendant in a speedy trial. The Court also finds good cause for extending the time limits for a preliminary hearing under Federal Rule of Criminal Procedure 5.1 and for extending the 30-day time period for an indictment under the Speedy Trial Act (based on the exclusions set forth above). *See* Fed. R. Crim. P. 5.1; 18 U.S.C. § 3161(b).

Therefore, IT IS HEREBY ORDERED that the time between December 1, 2021 through January 7, 2022 shall be excluded from computation under the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(A) and (B)(iv) and Federal Rule of Criminal Procedure 5.1.

DATED: November 29, 2021



HONORABLE DONNA M. RYU
United States Magistrate Judge